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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,057

06/14/2006

Esa-Sakari Maatta

915-001.088

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4955

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12/15/2009

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EXAMINER

OBAYANJU, OMONIYI

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,057	<b>Applicant(s)</b> MAATTA ET AL.	
	<b>Examiner</b> OMONIYI A. OBAYANJU	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/14/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 09/08/2009 have been fully considered but they are not persuasive.

In regards to the independent claims, Applicant argues and/or stated that the prior art references fails to teach and/or ***“doesn't have anything to do with the claimed subject matter of a base part for mobile phone as claimed in claim 1, a mobile phone as claimed in claim 3, a method of manufacturing a base part for a mobile phone as claimed in claim 6 and a mobile phone part as claimed in claim 9”***.

In response, the examiner respectfully disagrees with Applicant's argument for the following reasons:

Upon careful review of the remarks/arguments, it is noted that the Applicant seems to base arguments on the description of the invention as presented in the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the examiner has given the claimed limitations their plain meaning as required during examination. See *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). Also, the **claim** does not

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uniquely and particularly define the limitations as presented in the independent claims so as to distinguish from the applied prior art. During patent examination, the **claims** must be given their broadest reasonable interpretation. See also MPEP §2111. The claimed limitations as presented in the independent claims are broadly claimed, therefore, broadly interpreted as discussed below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al (US Patent No. 5541813) in view of Lustila et al. (US Publication 20010018332).

As to **claim 1, 3, 5, and 9**, Satoh teaches a base part for mobile phone (abs, and fig.1, #4) wherein the base part is integrated of a hard body part (abs lines 7-8), a phone window (fig. 1, #5) and a soft middle part (abs line 6-7), which is connecting the mentioned parts and wherein the phone window is foldable against the hard body part along a hinge line created in the soft middle part (abs. lines 5-7). However, Satoh fails to teach which phone has an upper cover and another cover containing an engine and

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battery of the phone for connection to the base part and with said mobile phone part connected to said upper cover and said other cover.

But, Lustila teaches which phone has an upper cover and another cover containing an engine (electronic components) and battery of the phone for connection to the base part and with said mobile phone part connected to said upper cover and said other cover (pg. 2, pp0021, lines 1-10). Thus, it would have been obvious to one of ordinary skill in the art at time the invention was made to combine the prior art of teaching of Satoh with the teachings of Lustila to achieve or provide an efficient, reliable, and protective housing support for a wireless handheld communication device.

As to **claims 2, 4, and 10**, Satoh teaches a base part (fig 1. referred to as the operation portion) are integrated one or more of the following parts, a display light guide (fig1. #5), a keypad light guide, a keypad, a keypad graphics, a keypad contacting surface, (fig 1. #4) a display holder, a display connector holder, an earpiece holder, a buzzer holder, a display gasket, an earpiece gasket, a buzzer gasket.

As to **claim 6, 7, and 8**, Satoh teaches a method of manufacturing a base part for a mobile phone by injection molding, wherein the method includes the following two comprising (column 2, lines 35-45): a) performing a first stage of injection molding with a first injection mold producing a phone window and a hard body part hard plastic (column 2, lines 55-57). b) performing a second stage of injection molding with a soft elastomer producing a soft middle part which has a hinge line to fold up the phone window against the hard body part (column 2, lines 57-60). However, Satoh fails to teach having an upper cover and another cover containing an engine and battery of the phone.

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But, Lustila teaches having an upper cover and another cover containing an engine (electronic components) and battery of the phone (pg. 2, pp0021, lines 1-10). Thus, it would have been obvious to one of ordinary skill in the art at time the invention was made to combine the prior art of teaching of Satoh with the teachings of Lustila to achieve or provide an efficient, reliable, and protective housing support for a wireless handheld communication device.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMONIYI A. OBAYANJU whose telephone

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number is (571)270-5885. The examiner can normally be reached on Mon - Fri, 7:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./  
Examiner, Art Unit 2617

/VINCENT P. HARPER/  
Supervisory Patent  
Examiner, Art Unit 2617